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April 27, 2006

VIA ELECTRONIC FILING

Hon. Michael L. Orenstein, U.S.M.J.
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: S&L Vitamins v. Australian Gold
05-CV-1217 (JS) (MLO)

Dear Magistrate Judge Orenstein:

We represent S & L Vitamins and Larry Sagarin in the above-captioned matter. We write in regard to our April 25, 2006, letter to the Court in which we asserted that Australian Gold had not provided us with a list of "premier salons" and a signed Sheehan "premier salon" agreement.

We wish to inform the Court that counsel for Australian Gold has furnished both of these items to us. Via fax yesterday evening and email and overnight mail today, counsel provided us with the list of "premier salons." Counsel for Australian Gold represents that he emailed us the list of "premier salons" on April 19 after we had requested the same on April 17. Neither I nor my partner, David Stein, ever received the email, but we do not question counsel's representation on the matter. Moreover, counsel represents that the Sheehan agreement was sent to us via regular mail this past Monday (April 24), and the agreement also was emailed to us yesterday.

Notwithstanding defendant's compliance with the Court's order as described herein, we continue to view the "premier salon" *non sequitur*, which was not raised in Australian Gold's pleadings, as an example of Australian Gold's use of litigation as a form of unfair competition.

We thank the Court for its attention to this matter and remain available at the Court's convenience should the Court have any questions.

Dockets.Justia.com

Respectfully submitted,

Ronald D. Coleman

cc: Francis J. Earley, Esquire (via ECF)
Scott D. Matthews, Esquire (via ECF)